



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

SEP 20 2017

Reply to: OCE-101

CERTIFIED MAIL — RETURN RECEIPT REQUESTED

Ms. Lauren Myers
Senior Regulatory Manager
Spectrum Brands, Inc.
One Rider Trail Plaza Drive, Suite 300
Earth City, Missouri 63045

Lowes Correction Letter
9-20-17

Re: Stop Sale, Use, or Removal Order for the unregistered pesticide product "Black Flag Disposable Fly Trap"
Docket No. FIFRA-10-2017-0106

Dear Ms. Myers:

Thank you for contacting the U.S. Environmental Protection Agency, Region 10 ("EPA") on September 7, 2017, regarding the above-captioned Stop Sale, Use, or Removal Order ("Order") prohibiting the distribution, sale, or use of the unregistered pesticide product "Black Flag Disposable Fly Trap." I am writing to correct a typographical error in the Order and to discuss next steps.

In particular, Paragraph 23 of the Order states:

23. On January 4, 2017, EPA Region 10 received the analytical results from WSDA CHL. The results showed that all three traps contained Indole (CAS #120-72-9) at concentrations varying between 8.10 and 11.3 **percent by weight**. The results also showed that each trap contained trace amounts of 2-piperidinone (CAS #675-20-7). [Emphasis added.]

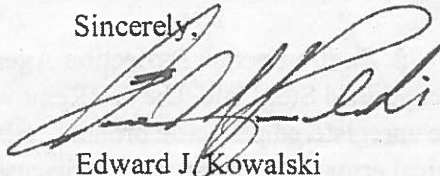
The paragraph should state, "The results showed that all three traps contained Indole (CAS #120-72-9) at concentrations varying between 8.10 and 11.3 **parts per million**." The use of "percent by weight" is a typographical error; EPA evaluated the product's regulatory status based on the analytical results showing 8.10 and 11.3 ppm. The presence of this substance, in addition to the pesticidal claims made on the product labeling, renders this product a pesticide requiring registration.

Please note that the Order applies only to products under Chemsico's ownership, control or custody which are unregistered pesticides. See Paragraph 41 of the Order. Therefore, if Chemsico demonstrates that existing stocks of Black Flag Disposable Fly Trap products do not contain Indole or 2-piperidinone, then the Order would not apply to those products.

During a September 7, 2017, telephone conversation with Chad Schulze of my staff you requested copies of the analytical methods our laboratory used to detect Indole and 2-piperidinone, split samples, photographs of the products collected during a pesticide retail inspection, and batch numbers of the products collected. Last week, Mr. Schulze provided you the analytical methods used by the Washington State Department of Agriculture Chemical and Hop Laboratory and photographs of the product sampled in September 2016. As Mr. Schulze noted during your phone conversation, the batch codes for the products sampled are provided in the Order (see Paragraph 22). Lastly, Mr. Schulze will be shipping split samples of each batch collected this week. Please be sure to sign, date and return the Chain of Custody accompanying the samples. You also expressed to Mr. Schulze and, through counsel, to Brett Dugan, that the presence of Indole in the product may be the result of a degradation process post manufacturing. In this case, testing of new product batches is necessary to establish the absence of Indole in newly manufactured products.

Thank you for your cooperation in this matter and your prompt response once you received the Order. Note that Paragraph 44 of the Order requires a written response within 30 days of receipt of the Order describing the steps Chemsico will take or took to comply with FIFRA, as well as a current inventory of the product subject to the Order. If you have any questions, please contact Mr. Schulze at U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900 (OCE-101), Seattle, Washington 98101, or by email at Schulze.Chad@epa.gov. Mr. Schulze may be reached by telephone at (206) 553-0505. Questions from legal counsel should be directed to Mr. Brett Dugan, Office of Regional Counsel, at (206) 553-8562 or by email at dugan.brett@epa.gov.

Sincerely,



Edward J. Kowalski
Director

cc: Mr. Randy Lewis
President
Chemsico, Inc., a Division of United Industries Corporation, LLC

Mr. Paul Dame
Senior Counsel
Lowe's Companies, Inc.